

criminals and juveniles to buy them. The suits seek damages for extra police and hospital costs resulting from gun violence, but more important, city officials say, they want to force the gun companies to accept greater regulation of the way they design, manufacture and distribute their products.

More cities are expected to file suit soon, and lawyers familiar with the issue say New York is close to becoming the first state to bring such a suit. "If New York comes into this, and there are more suits, at some point soon a critical mass will be reached where the costs alone of defending these suits are going to eat up the gun companies," said John Coale, a lawyer in Washington who is representing New Orleans and several other cities that have sued.

Mr. Coale, one of the Castano Group of lawyers who were active in suing the tobacco industry—the group is named for a friend of several of them who died of a tobacco-related disease—estimated that the cigarette companies had spent \$600 million a year defending themselves against the states. "The gun companies simply can't afford it," he said, since they are so much smaller and sales of guns have been flat or declining for a decade.

"So if you get too many cities and states suing," Mr. Coale said, "the manufacturers will go into bankruptcy protection. And the day that happens, the suits stop and it is lose-lose for everybody."

Davis Industries, of Chino, Calif., filed for bankruptcy reorganization in the Federal bankruptcy court in nearby Riverside on May 27, said Alan Stomel, a lawyer who represented creditors in the unrelated 1996 bankruptcy of Lorcin Engineering, another of the gun makers controlled by the same owners as Davis Industries and known as the Ring of Fire companies (because their locations form a ring around Los Angeles).

"Bankruptcy is a very useful negotiating tool," Mr. Stomel said, "and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A spokesman for Davis Industries, who declined to give his name, confirmed that the company had filed for bankruptcy. "We do what we got to do" in response to the suits, the spokesman said. "I'm sure other companies will do the same thing."

Mr. Stomel said Davis Industries faced several problems: the municipal lawsuits, wrongful-death and personal-injury suits by individuals, a messy argument between the two owners, Jim and Gail Davis, who were recently divorced, and a bill that is expected to pass the California Legislature that would bar the manufacture of cheap handguns.

A lawyer for one of the cities suing the gun makers said bankruptcy "is going to be a huge pain" because it will require much more time and expense for the cities, limit the amount of damages they may collect and, perhaps most important, put the litigation in Federal bankruptcy court. Bankruptcy judges, the lawyer said, are more likely to act favorably to the gun companies than urban juries in state courts.

But Paul Januzzo, general counsel for Glock Inc., one of the largest handgun makers, said it was unlikely that the older, more established, mostly Eastern firearms companies would turn to bankruptcy.

"We are confident we can win the suits, if we have a number of companies litigating together," Mr. Januzzo said.

Lawsuits, he added, are nothing new to the industry. "It would be an unusual gun company that doesn't have a dozen lawsuits a year against it," he said. "This is America."

**NAOMI REICE BUCHWALD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK**

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its good judgment in confirming Judge Naomi Buchwald for Appointment to the United States District Court for the Southern District of New York.

After working in private practice and in the United States Attorney's Office for the Southern District of New York, Judge Buchwald became a Magistrate Judge in the Southern District. She has served with distinction in that position for nearly two decades. Her extensive experience in the court's rules and procedures will make her a splendid United States District Court Judge in the Southern District.

I thank the distinguished Chairman of the Judiciary Committee, Senator HATCH, and the distinguished Ranking Member, Senator LEAHY; I also thank our leaders, Mr. LOTT and Mr. DASCHLE, and my colleague, Senator SCHUMER. Judge Buchwald's confirmation is a fine result for the State of New York and for the judiciary.

**DAVID NORMAN HURD, OF NEW YORK, TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK**

Mr. MOYNIHAN. Mr. President, I rise to thank the Senate for its fine judgment in confirming Judge David Hurd for Appointment to the United States District Court for the Northern District of New York. I thank Senator HATCH, Chairman of the Judiciary Committee, Senator LEAHY, the Ranking Member; I also thank Mr. LOTT, Mr. DASCHLE, and my colleague from New York, Senator SCHUMER. This is a great result for New York and for the judiciary.

A veteran and skilled private practitioner, who tried both civil and criminal cases for more than twenty-five years, Judge Hurd became a Magistrate Judge for the Northern District of New York in 1991. He has served with distinction for the past eight years in that position. His experience on the bench and in private practice before that has provided him with a complete familiarity with the practices and rules of the Northern District.

Judge Hurd will be a superb United States District Court Judge for the Northern District of New York.

**THE LAKE PONCHARTRAIN BASIN RESTORATION ACT OF 1999**

Mr. BREAUX. Mr. President, I am pleased to cosponsor with my colleague from Louisiana, Senator Mary LANDRIEU, the Lake Ponchartrain

Basin Restoration Act of 1999, S. 1621. Our goal for this bill is clear and straightforward: to help with the ongoing restoration of the Lake Ponchartrain Basin.

As one of the largest estuarine systems in the nation and the largest one on the Gulf Coast, restoration of the basin merits federal assistance.

Pollution problems accumulated in the basin for years. The clean up of the watershed has been under way for about a decade, but more work remains to be done.

Spearheading the current restoration has been the Lake Ponchartrain Basin Foundation, created by the Louisiana Legislature in 1989. Since then, the Foundation has implemented 38 water quality, habitat and education programs and projects.

Coordination and cooperation have been hallmarks of the basin restoration initiative. The State of Louisiana, local governments and officials, citizens, businesses, universities and federal agencies all have contributed to it.

Three key basin-area institutions have allied themselves and have entered into a Memorandum of Understanding to help facilitate the basin's restoration.

These organizations include the Lake Ponchartrain Basin Foundation; the Regional Planning Commission, consisting of Orleans, Jefferson, Plaquemine, St. Bernard and St. Tammany Parishes; and the University of New Orleans.

The legislative initiative which Senator LANDRIEU and I have undertaken has been assembled through these organizations' leadership.

Is the basin better off today than it has been for many years? Are there obvious signs of improvement? Has the grassroots campaign of the past 10 years been successful?

In 1995, pelicans were spotted again and their numbers are on the increase. In 1998, a sea turtle appeared, as well as two manatees. Now there are four manatees. This year, dolphins have been seen for the first time in 40 years.

The pelicans, manatees, dolphins and a sea turtle confirm that the hard work and commitment of citizens, the state and the local governments have improved the basin. With these successes in hand, it is vital to the basin's 5,000 square-mile ecosystem that the restoration work continue as vigorously as it has to this point.

The bill which Senator LANDRIEU and I have introduced would authorize a federal Lake Ponchartrain Basin Restoration Program, to be housed at the Environmental Protection Agency. A key component of the bill would be the authorization of federal funds for the restoration program. As important, the bill would direct the Federal Government to coordinate the restoration with the State and local agencies and organizations.